

**REMARKS**

The Applicants provide herein a Declaration by Mr. Eduard Valentí Vall, legal representative for the Assignee, LABORATORIOS DEL DR. ESTEVE, S.A., the depositor of the biological material in the present application. The Declaration states that biological material has been deposited under the Budapest Treaty under accession numbers ECACC 9903245 and CECT 5145, and that all restrictions imposed by the depositor on the availability of the deposited material will be irrevocably removed upon the granting of a patent of the microorganism(s). A signed Declaration is being provided at the present time since it was only recently received by the Attorneys for the Applicants. Mr. Eduard Valentí Vall, who is authorized to sign the declaration on behalf of Assignee, LABORATORIOS DEL DR. ESTEVE, S.A. was traveling and therefore temporarily unavailable when the response to the pending non-final Official action was filed on August 4, 2005. This declaration pertains and responds to the Examiner's rejection of pending Claims 23 and 24. Accordingly, Applicants respectfully request that the rejection of Claims 23 and 24 as not sufficiently described and/or enabled under 35 U.S.C. § 112, first paragraph, be withdrawn.

**Conclusion**

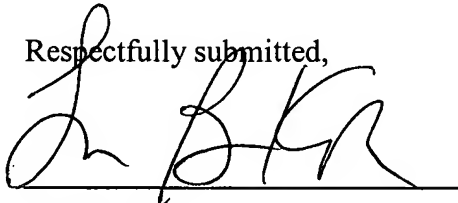
Applicants respectfully request reconsideration of the application, and entry of the foregoing remarks into the file history of the above-identified application. Applicants believe that in light of the executed Declaration submitted herewith and the

response submitted on August 4, 2005, the claims are in condition for allowance, and accordingly, respectfully request withdrawal of the outstanding objections and rejections. An allowance is earnestly sought.

No additional fee is believed to be due in connection with this Response. However, should an additional fee be required, the Commissioner is hereby authorized to charge any such fee to Deposit Account No. 02-4377. Any required extension of time is hereby requested.

September 2, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lisa B. Kole', written over a horizontal line.

Lisa B. Kole  
Patent Office Reg. No. 35,225

*Attorneys for Applicant*  
Baker Botts LLP  
30 Rockefeller Center, 45th floor  
New York, NY 10112  
(212) 408-2500

Enclosures